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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,988	05/02/2006	Noriaki Ueda	F-9023	5531
28107 7590 05/05/2010 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER KIM, ANDREW				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/05/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,988

Applicant(s)

UEDA ET AL.

Examiner

ANDREW KIM

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. In response to the amendment filed February 1, 2010, claims 1-3, 8 and 9 have been cancelled and claims 4-7 and 10-15 are pending.

Specification

2. The disclosure is objected to because of the following informalities: The terms “vice versa every when the inquiry confirmation mean is push.” ([0012]) and “when the balance inquiry button is push.” ([0035]) should be respectively recited as --vice versa every time the inquiry confirmation means is pushed.-- and --when the balance inquiry button is pushed.--, so as to overcome the typographic errors. Appropriate correction is required.

Claim Objections

3. Claims 6 and 10 are objected to because of the following informalities: The terms “said game start control means are provided one for a plurality of said electronic money terminals” (as per claim 6) and “electronic money control man” (line 17 of claim 10) should be respectively recited as --said game start control means are provided for each one of a plurality of said electronic money terminals-- and --electronic money control means--, so as to clarify the confusion. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucero (US Pat. No. 5,811,772 A).

Regarding claims 10, 11 and 13, Lucero discloses: a game machine established in a store for executing a game using an electronic money (as per claim 13)(Fig. 6, Slot 1, Slot N; col. 8, lines 33-60); an electronic money terminal control means for controlling usage of said game machine and execution record of said game on said game machine using electronic money (as per claim 13)(col. 2, lines 50-55); a game control means for integrating record of said electronic money terminal control means in a plurality of said stores (as per claim 13)(col. 2, lines 54-65); an electronic money control means for controlling a usage record of said electronic moneys (as per claim 13)(col. 2, lines 28-50); an electronic money terminal comprising a reader/ writer means capable of communicating with an electronic money storage medium which stores information of said electronic money and an execution recognition means operated by a player when said player starts said game on said game machine using said electronic money (as per claims 10, 11 and 13)(col. 2, lines 28-35); a slit into which said electronic storage medium is inserted (as per claims 10, 11 and 13)(Fig. 1, item 22); and a drawing out restricting means which restricts drawing out of said electronic money storage medium during a period from when said electronic money storage medium is inserted into said slit to when said game is terminated and which permits drawing out of said electronic money storage medium (as per claims 10, 11 and 13)(col. 2, lines 28-45: the PIN); a communication means with electronic money control means for communicating with said electronic money control means and for transmitting said

information of said electronic money read by said reader/ writer means to said electronic money control means (as per claims 10, 11 and 13)(col. 5, lines 15-25); and a game start control means for starting execution of said game (as per claims 10, 11 and 13)(col. 7, lines 27-33 and col. 8, lines 8-15), which starts game execution when said game start control means receives a communication of a balance of said electronic money storage medium from said communication means with electronic money control means, said player operates said execution recognition means and said balance is not less than a unit price of said game (as per claims 10, 11 and 13)(col. 5, lines 50-67 and col. 8, lines 1-15); wherein said electronic control means informs said balance of said electronic money through said communication means with electronic money control means to said game start control means when said electronic money control means receives said information of said electronic money from said communication means with electronic money control means (as per claims 10 and 11)(col. 5, lines 50-67 and col. 8, lines 1-15).

Regarding claim 4, Lucero discloses that said reader/ writer means starts communication with said electronic money storage medium after said execution recognition means is operated (from col. 4, line 60 to col. 5, line 15).

Regarding claim 5, Lucero discloses that said electronic money terminal comprises an electronic money storage medium detecting means for detecting said electronic money storage medium existing at a predetermined position relative to said reader/ writer means and said reader/ writer means starts communication with said electronic money storage medium after said electronic money storage medium is detected by said electronic money storage medium detecting means (col. 2, line 31; col. 4, lines 48-59 and col. 5, lines 34-59).

Regarding claim 6, Lucero discloses that said communication means with electronic money control means and said game start control means are provided one for a plurality of said electronic money terminals and that a switch means is further provided for connecting selectively one of said electronic money terminals to said communication means with electronic money control means and said game start control means (fig. 6, col. 8, lines 1-60).

Regarding claim 7, Lucero discloses that a balance inquiry confirmation means which is operated by said player when said player tries to inquire said balance of said electronic money is provided, and that said balance is displayed during a period when said player operates said balance inquiry confirmation means (col. 2, lines 55-65; from col. 5, line 60 to col. 6, line 24 and col. 8, lines 1-32).

Regarding claim 12, Lucero discloses a memory medium readable by said information processing apparatus in which said game method and game program according to claim 11 is stored (col. 6, line 16).

Regarding claim 14, Lucero discloses that said electronic money terminal further comprises a display means for displaying a unit price of said game and a balance of said electronic money storage medium (Fig. 1, item 18; from col. 4, line 65 to col. 5, line 5).

Regarding claim 15, Lucero discloses that said electronic money terminal automatically displays said balance only when said balance is not more than a predetermined value, after said electronic money storage medium is detected by said electronic money storage medium detecting means (col. 2, lines 43-55).

Response to Arguments

6. Applicant's arguments with respect to claims 2-7 and 10-15 have been considered but are moot in view of the new ground(s) of rejection. Moreover, Applicant's arguments filed February 1, 2010 have been fully considered but they are not persuasive. Regarding the electronic money storage medium, the Examiner respectfully asserts that a credit card and charge cards are indeed symbols and representations of money and a medium with which a user can access electronic money storage. The applicant is correct in stating that the cards in Lucero do not contain money, however, the claims do not state that the electronic money storage medium contains money and is therefore a moot argument. Regarding the limitation with respect to the drawing out restricting means, the Examiner respectfully asserts that the claims do not state that the drawing out restricting means physically retains the storage medium. Specifically, the claims state "restrict drawing out *of* said electronic money storage medium", which means that the restriction means acts upon the drawing out *of* the medium and does not restrict from drawing out the medium. Hence, applicant's argument is not deemed to be persuasive and the rejection under 35 U.S.C. §102(b) is proper and stand.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on 571-272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 3714

5/7/2010 /A. K./
Examiner, Art Unit 3714